

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14803 of William C. Smith, pursuant to 11 DCMR 3108.1, for a special exception under Section 354 to establish a retail convenience store as an adjunct in the basement of an existing apartment house in an R-5-B District at premises 2101 I Street, N.E. (Square 4486, Lot 4).

HEARING DATE: June 15, 1988
DECISION DATE: June 15, 1988 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to ANC 5B and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 5B. ANC 5B, which is automatically a party to the application, did not file a written statement of issues and concerns.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 354. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with said Regulations and Map. It is therefore ORDERED that the application is GRANTED, subject to the following CONDITIONS:

1. The use shall be allowed for a period of two years after which the performance of the store shall be evaluated by the BZA.

2. Trash containers shall be located at the entrance to the store and shall be emptied on a regular basis.
3. There shall be no outside sign advertisement of the store.
4. Store hours shall not exceed from 7:30 A.M. to 8:00 P.M., Monday through Saturday.
5. The applicant shall observe the conditions of the Carver Terrace Tenant and Civic Association.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 5-0 (Charles R. Norris, Elliott Carroll, Paula L. Jewell, William F. McIntosh, and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: JUL 7 1988

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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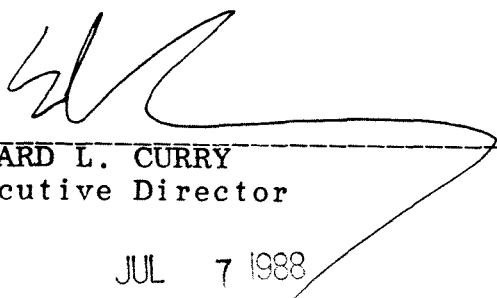
APPLICATION No. 14803

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated JUL 7 1988, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Lloyd E. Baskin, Sr.
3755 First Street, S.E., #202
Washington, D.C. 20032

James Booze, Chairperson
ANC 5-B
Webb School Demountable
1375 Mt. Olivet Road, N.E.
Washington, D.C. 20002

William C. Smith
2101 I Street, N.E.
Washington, D.C.


EDWARD L. CURRY
Executive Director

DATE: JUL 7 1988